

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, OCTOBER 29, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

November 6, 2015 @ 9:30 A.M.

- a. Carlo Rose Cigar Bar & Lounge, 10 Bridge Street #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:20-a/Liq. 704.01 – failed to renew Cigar Bar license 30 days prior to expiration.
Cited for violation of RSA 178:20-a, II(a) – failed to provide records to demonstrate cigar and alcohol sales.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Dates of violations: August 31, 2015 & September 16, 2015.
Case #: 15-341-OF.

Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters and cases, lighters and ashtrays.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Date of violations: September 16, 2015.
Case #: 15-342-OF.

November 6, 2015 @ 10:30 a.m.:

- b. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.

November 19, 2015 @ 8:30 a.m.:

- c. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts

Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #: 15-114-OF & 15-184-OF.

November 19, 2015 @ 10:30 a.m.:

- d. UPS, 55 Glen Lake Parkway, Atlanta, GA.
Carrier-Beverage/Wine/Liquor License #748116 licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I/Liq. 1104.06 – shipped and delivered alcohol for a company on the unauthorized shippers list – 2 counts.
Cited for violation of RSA 179:5, I – failed to obtain an adult signature when delivering an alcohol product.
Dates of violations: April 29, 2015, June 29, 2015 & July 21, 2015.
Case #: 15-173-OF, 15-259-OF & 14-288-OF.

November 19, 2015 @ 1:00 p.m.:

- e. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH.
Restaurant Full Service With Lounge License #1369903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: June 28, 2015.
Case #: 15-266-OF.

December 4, 2015 @ 9:30 a.m.:

- f. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.

December 11, 2015 @ 9:30 a.m.:

- g. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Drynk, 20 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1432103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:23, VI – allowed a convicted felon to sell, serve or otherwise handle alcoholic beverages.
Date of violation: October 20, 2015.
Case #: 15-411-OF.
\$3,000 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Loyal Order Of Moose, 45 Chestnut Street, Dover, NH.
Social Club License #14701 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a club financial report by the 15th of the following month – 2 counts.
Dates of violations: August 10, 2015 & September 11, 2015.
Case #: 15-317-OF & 15-356-OF.
\$200 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Mike's Pub & Grub, 155 Lake Avenue, Manchester, NH.
Restaurant Beverage and Wine License #440003 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:50, II – allowed the premise to be used for a purpose contrary to law.
Date of violation: September 25, 2015.
Case #: 15-386-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- d. North Garden Restaurant, 715 Mast Road, Goffstown, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #945103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:32, I – purchased supplies of liquor and wine from other than the Commission or as provided by law.
Date of violation: September 23, 2015.
Case #: 15-378-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Friends of the Baker Free Library, Baker Free Library, 509 South Street, Bow, NH 03304.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 11/14/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Girls at Work, Inc., NH Institute of Art, 148 Concord Street, Manchester, NH 03101.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 11/7/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Lynn, Jonah P. DBA Turnpike Pizza and Grill, 15 Chester Road, Auburn, NH 03032.
To be issued Restaurant On-Premise Beverage and Wine License #1517603 pursuant to RSA 178:20.
30 Day Temporary License issued: 10/20/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. Marketplace New England, Inc., 7 North Main Street, Concord, NH 03301.
To be issued Retail Wine License #3160246 pursuant to RSA 178:19.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Wild Willow Restaurant & Tavern LLC, 149 South Road, Kensington, NH 03833.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1496703 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/16/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING OCTOBER 23, 2015: 1,155

- a. Mountain Valley Vineyards, Inc. DBA Fogline Vineyards, 875 River Road, Fulton, CA 95439.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Sodaro Wines LLC DBA Sodaro Estate Winery, 24 Blue Oak Lane, Napa, CA 94558.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Applecrest Farm Bistro LLC, 133 Exeter Road, Hampton Falls, NH 03844.
Restaurant On-Premise Beverage/Wine/Liquor License #1503403 licensed pursuant to RSA 178:21.
Date petition received: 10/8/2015.
Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 56 and a creamery with a capacity of 38 for event date of October 25, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Kogetsu at Boiler House, Inc., 50 Jaffrey Road, Peterborough, NH 03458.
Restaurant On-Premise Beverage/Wine/Liquor License #1517403 licensed pursuant to RSA 178:21.
Date petition received: 10/15/2015.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.
Date petition received: 10/21/2015.
Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 from 5:00 pm on October 31, 2015 to 1:00 am on November 1, 2015 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- d. VFW POST 1698, 26 Peabody Place, Franklin, NH 03235.
Veterans Club License #21039 licensed pursuant to RSA 178:22, V(h).
Date petition received: 10/19/2015.
Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 18 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.
HEARING WAS HELD SEPTEMBER 17, 2015.
OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.
THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Anheuser-Busch LLC, One Busch Place, St Louis, MO 63118.
Beverage Vendor License #54131 licensed pursuant to RSA 178:15.
Date petition received: 10/20/2015.
Requests approval of Goose Island Bourbon County Brand Barleywine with an alcohol content of 12.9% at 60 degrees Fahrenheit by volume licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- b. Dogfish Head Craft Brewery, 6 Cannery Village Court, Milton, DE 19968.
Beverage Vendor License #34731 licensed pursuant to RSA 178:15.
Date petition received: 9/22/2015.
Requests approval of Dogfish Higher Math with an alcohol content of 16.88% at 60 degrees Fahrenheit by volume licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Whiskey 20, 505 Walnut Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1516403 licensed pursuant to RSA 178:21.
Requested approval for a Felon Exception for Thomas A. Svoleantopoulos as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 15-314-OF.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Granite YMCA (The), Radisson Hotel Armory, 700 Elm Street, Manchester, NH 03101.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 10/29/2015.
Recommendation: Expedited approval.
Commission approved on 10/21/2015.
COMMISSION ACKNOWLEDGED.
- b. Hanover Lions Club,
Dartmouth Alumni Hall Top of the Hop, 4 East Wheelock Street, Hanover, NH 03755.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 10/30/2015.
Recommendation: Expedited approval.
Commission approved on 10/22/2015.
COMMISSION ACKNOWLEDGED.